



ipid

Department:
Independent Police Investigative Directorate
REPUBLIC OF SOUTH AFRICA

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MEMORANDUM

TO : MR RJ MCBRIDE
EXECUTIVE DIRECTOR

FROM : MR AMAR MAHARAJ
MANAGER: ETHICS MANAGEMENT

DATE : 02 NOVEMBER 2016

SUBJECT : FRAUDULENT CLOSURE OF CASES AT GAUTENG PROVINCIAL OFFICE DURING THE PERIOD APRIL 2016 TO JULY 2016 AS "SPECIAL CLOSURE"
(AS UNSUBSTANTIATED, REFERRED, UNFOUNDED, INDETERMINATE, AND OR DECLINED), AND CASES CLOSED BY PERSONS NO LONGER IN THE EMPLOY OF THE IPID, AND PERSONS ON SUSPENSION DURING THE PERIOD OR DECEASED.

1. PURPOSE:

To inform the Executive Director of the fraudulent closure of cases at the Gauteng provincial office during the period April 2016 to July 2016 as "special closure", and make recommendations for a full investigation to be conducted and for officials to be held accountable for unlawful, fraudulent and irregular conduct.

2. BACKGROUND/DISCUSSION:

1. The Ethics Office received a report from a whistle-blower regarding fraudulent, irregular and unlawful conduct by officials at the Johannesburg provincial office.
2. The report from the whistle-blower alleged the following unethical, unlawful and fraudulent conduct:

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- 2.1 That cases of assault, corruption, discharge of a firearm, death as a result of police action, death in police custody, and rape were being closed without proper investigation for the purpose of achieving statistical targets.
- 2.2 That cases were being closed without proper investigation as "Unsubstantiated, Referred, Unfounded, Indeterminate, and or Declined".
- 2.3 That the above cases were being commonly closed at the end of the month in order to inflate and show improved performance.
- 2.4 That the Usernames of persons who are no longer in the employ of the IPID have been used to close cases to ensure that current IPID officials avoid being held responsible for unlawful and fraudulent conduct.
- 2.5 That the Username of the Provincial Head who was suspended during the period was used to close cases on the data base system.
- 2.6 That the Username of an official on sick leave was used to close cases on the data base system.
- 2.7 That the Username of a deceased official was used to close a case.
- 2.8 That a system administrator at National Office allegedly closed a case of Assault on 31/07//2016 when he does not have the authority to close an investigation case file of Assault.

3. SUMMARY FINDINGS :

- 3.1 I have attached herein as Annexure A, a summary of cases closed at the Johannesburg provincial office during the period April –July 2016.
- 3.2 The data as set out in Annexure A substantiates the above allegations and further illustrates the following:
 - 3.2.1 Case Control Number (CCN) 2011100309, (28.1f Torture or Assault) closed on 23/06/2016 was closed on the IPID database by using the Username of an ex IPID official [REDACTED] who is deceased. (Date of death 2013/06/02)
 - 3.2.2 CCN 2010050071, (28.1g- Corruption matters within the police), closed on 14/06/2016 by Username [REDACTED] was the Gauteng Provincial Head who resigned in March 2013 and is no longer in the employ of the IPID.
 - 3.2.3 CCN 20100050081, (28.1g- Corruption matters against the police) is also recorded as closed on 14/06/2016 using Username [REDACTED] who is no longer in the employ of the IPID.
 - 3.2.4 CCN20100050083, (28.1g- Corruption matters against the police) is recorded as closed by Username [REDACTED] on

17/06/2016 who was not in the employ of the IPID during the period when the closure was made.

- 3.2.5 CCN2011040070, (28.1f – Torture or Assault) was closed using User Name [REDACTED] on 23 June 2016, whereas she was not in the employ of the IPID at the time and resigned in March 2013.
- 3.2.6 CCN2011040070, (28.1f – Torture or Assault) was closed on 23 June 2016 by Username [REDACTED] who was not in the employ of the IPID during the period.
- 3.2.7 CCN2011040155, (28.1h – Any other referred matter) was closed as unsubstantiated on 23/06/2016 by [REDACTED] who is not in the employ of the IPID.
- 3.2.8 CCN2011040304, (28.1B – Death as a result of police action) was closed on 26 July 2016 by [REDACTED] who is no longer in the employ of the IPID.
- 3.2.9 CCN2011060078, (28.1f – Torture or Assault) was closed under the Username [REDACTED], who served as acting Provincial Head Gauteng and who resigned from the IPID on 30/11/2016.
- 3.2.10 CCN2011060088, (28.1f – Torture or Assault) was closed on 23/06/2016 by Username [REDACTED] who resigned from the IPID on 30/11/2016.
- 3.2.11 CNN2011060322, (28.1 c –Discharge of a firearm, Attempted Murder) was closed as Unsubstantiated by Username [REDACTED], who resigned from the IPID in 2013.
- 3.2.12 CCN2011070337, (28.1h – Any other referred matter) was closed as Unsubstantiated by Username [REDACTED] on 23 June 2016 whilst [REDACTED] was under suspension during the date and not performing official duties and responsibilities.
- 3.2.13 CNN2011090304, (28, 1f – Torture or Assault) was closed as Referred on 23/06/2016 by Username [REDACTED] who had resigned from the IPID on or around 2012.
- 3.2.14 CNN2011100309, (28.1f – Torture or Assault), was closed on 23/06/2016 by Username [REDACTED]. As a result of internal enquiries, I have established that [REDACTED] passed away on 02/06/2013.
- 3.2.15 CNN2012030388, (28.1f – Torture or Assault) was closed on 23/06/2016 under Username [REDACTED] who was not in the employ of the IPID on the date that the file was closed as she had resigned in 2013.

- 3.2.16 CNN2012080683, (28.1f – Discharge of an official firearm, Attempted Murder) was closed as Unfounded on 14/06/2016 by Username [REDACTED], [REDACTED] employment termination date at the IPID was 30/11/2014.
- 3.2.17 CNN201208785, (28.1h- Any other referred matter, Pointing of a firearm) was closed by Username [REDACTED] on 06/14/2016. [REDACTED] date of termination at the IPID was 30/11/2014.
- 3.2.18 CNN2012100260, (28.1f-Torture or Assault), was closed on 13/06/2016 by Username [REDACTED] as 'Unfounded'. Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.19 CNN2012110359, (28.1d –Rape by a Police Officer) was closed on 14/06/2016 by Username [REDACTED] as Unfounded. Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.20 CNN2013010369, (28.1c- Discharge of an official firearm-Attempted Murder) was closed on 13 June 2016 as 'Unfounded' by Username [REDACTED] Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.21 CNN2013020334, (28.1f- Torture or Assault) was closed as 'Unfounded' by Username [REDACTED] on 14/06/2016. Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.22 CNN2013030267, (28.1c – Discharge of an official firearm-Attempted Murder) closed on 13/06/2016 by Username [REDACTED] as 'Unfounded'. Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.23 CNN2013040423, (28.1f – Torture or Assault) case closed on 13 June 2016 as 'Unfounded' by Username Mr [REDACTED] Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.24 CNN2013050479, (28.1f – Torture or assault) closed as Duplicate by User Name Mr [REDACTED] on 06/14/2016 whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.25 CNN201350519, (28.1f – Assault), closed as 'Unfounded' by Username [REDACTED] on 13/06/2016, whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.26 CNN2013060391, (28.1f-Assault). Case closed by Username [REDACTED] on 05/07/2016 whereas Mr [REDACTED] date of termination at the IPID is recorded as 30/11/2014.
- 3.2.27 CNN2013090230, (28.1f –Assault). Case closed as 'Unfounded' by Username [REDACTED] on 21/06/2016 whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2016.

- 3.2.28 CNN2013090233. (28.1f-Assault). Cases closed on 07/07/16 by User Name [REDACTED] whereas Mr [REDACTED] was no longer employed by the IPID at the time.
- 3.2.29 CNN2013090328. (28.1h- Any other referred matter). Case closed as unsubstantiated by Username [REDACTED] whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.30 CNN2013090637. (28.1f- Assault). Case closed as unsubstantiated by Username [REDACTED] on 14/06/2016 whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.31 CNN2013110360. (28.1f –Assault). Cased closed as unfounded by Username Mr [REDACTED] on 29/06/2016 whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.32 CNN2013110361. (28.1f- Assault). Case closed as 'unfounded' by Username [REDACTED] on 29/06/2016 whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.33 CNN2012110511. (28.1f – Assault). Case closed as Indeterminate by Username [REDACTED] on 13/06/2016 whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.34 CNN2014010422. (28.1a – Death in Police Custody). Case closed as 'Unsubstantiated' by Username [REDACTED] on 23/06/2016 whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.35 CNN2014010598. (28.1f – Assault). Case closed as 'Unsubstantiated' by Username [REDACTED] on 23/06/2016 whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.36 CNN2014030192. (28.1f – Assault). Case closed as 'Unsubstantiated' on 23/06/2016 by Username [REDACTED] whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.37 CNN2014030255. (28.1f - Assault). Case closed as 'Unsubstantiated' on 23/06/2016 by Username [REDACTED] whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.38 CNN2014070093. (28.1f – Assault). Case closed as 'Unsubstantiated' by Username [REDACTED] whereas it Mr [REDACTED] left the employ of the IPID on 30 June 2015.
- 3.2.39 CNN201407122. (28.1f – Assault). Cases closed as unsubstantiated by Username [REDACTED] on 29 June 2016 whereas Mr [REDACTED] was not in the employ of the IPID at the time as he had left the IPID on 30 June 2015.

- 3.2.40 CNN2014080434. (28.1b – Death as a result of police action). Case closed as 'Unsubstantiated' by User Name [REDACTED] on 23 June 2016 whereas Mr [REDACTED] termination date at the IPID is recorded as 30/11/2014.
- 3.2.41 CNN2014090132. (28.1f – Assault) Case closed as Unfounded by Username [REDACTED] on 14/06/2016 whereas Ms [REDACTED] was on suspension at the time and not on official duty.
- 3.2.42 CNN2015020074. (28.1f- Assault). Case closed as 'Indeterminate' by Username [REDACTED] on 17/06/2016, whereas Ms [REDACTED] was on suspension at the time.
- 3.2.43 CNN2915929244. (28.1f – Assault). Case closed as 'Unsubstantiated' by Username [REDACTED] on 21/06/2016 whereas Ms [REDACTED] was on suspension at the time.
- 3.2.44 CNN2015030088. (28.1h – Any other matter referred – Defeating the ends of justice) Case closed as 'Unsubstantiated' by Username [REDACTED] on 29/07/2016, whereas [REDACTED] is no longer in the employ of the IPID.
- 3.2.45 CNN2015030223. (28.1f – Assault). Case closed by Username [REDACTED] as 'Unfounded' on 21 June 2016, whereas Mr. [REDACTED] was on sick leave at the time of closure.
- 3.2.46 CNN2015050211. (28.1f – Assault). Cases closed as 'Referred' by Username [REDACTED] on 21/06/2016, whereas Mr [REDACTED] was on sick leave at the time of closure.
- 3.2.47 CNN2015060038. (28.1a – Death in police custody). Case closed as 'Referred' ON 13/06/2016 by Username [REDACTED] whereas Mr [REDACTED] was on sick leave at the time of closure.
- 3.2.48 CNN2015070398. (28.1b – Death as a result of police action – shot with service firearm). Case closed as 'Unsubstantiated' on 28/06/2016 by Username [REDACTED] whereas Mr [REDACTED] was on sick leave at the time.
- 3.2.49 CNN2009120057. (28.1f-Assault). Case closed as 'special closure' and file closed as unsubstantiated by Username [REDACTED] on 31/07/2016.

RECOMMENDATIONS:

1. That an investigation commence to establish and or ensure the following:
 - 1.1 The person/s who authorized the 'special closure' of the almost 152 cases closed between April-July 2016 in contravention of Section 28 of the IPID Act – including the role and conduct of the Acting – [REDACTED] at the time, [REDACTED].
 - 1.2 The person/persons who are responsible for using and or divulging the Username and Passwords of officials no longer in the employ of the IPID, and/or who were absent or on suspension during the period April – July 2016, and have caused cases to be closed on the Flow-Centric database system when such cases were not investigated and justice has been denied to the victims and families of complainants.
 - 1.3 The responsibility and/or the culpability of the internal data system administrators in permitting or not detecting the irregular conduct as reported above.
 - 1.4 The responsibility and or culpability of the [REDACTED] and other officials at the Gauteng office who were involved in the irregular and unlawful conduct of closing the cases as listed in Annexure A, without proper investigation and in violation of the IPID Act.
 - 1.5 Whether the impropriety has continued during the months of August, September and October 2016, and is currently continuing into the month of November 2016.
 - 1.6 That the impropriety is halted.

NAME: MR AMAR RABEE MAHARAJ

ETHICS MANAGER

DATE: 02 NOVEMBER 2016

NAME: MR RJ MCBRIDE

EXECUTIVE DIRECTOR: IPID

DATE:

COMMENTS: _____
